

## **Remarks**

The remarks submitted in the response filed June 23, 2008 are hereby incorporated in their entirety. The remarks below are provided to supplement the previously filed remarks and to provide the distinctions believed to render the newly presented claims patentable over the applied references, as requested by the Examiner. The previously filed response added new claims 21-18, which included a single independent claim - claim 21.

Claim 21 relates to a method of providing settop boxes (STBs) to execute a set of operations associated with supporting media services provided by a media service provider when the STBs have different instructional requirements depending on whether the STBs are provided by a first or second vendor. The method includes receiving provisioning requests from the STBs and identifying at least one of the STBs requesting provisioning to be associated with the first vendor and at least one of the STBs requesting provisioning to be associated with the second vendor. After at least one STB requesting provisioning is associated with each of the first and second vendors, the method includes providing provisioning instructions to the requesting STBs according to different instructional requirements of the first and second vendors identified to be associated with the requesting STBs. The provided provisioning instructions are sufficient to program the requesting STBs to execute the set of operations associated with supporting the media services provided by the media service provider.

C.F.R. § 1.111 requires Applicant to reply to every ground of rejection and to point out the specific distinctions believed to render the claims, including any newly presented claims, patentable over any applied references. The previously presented independent claims were rejected under 35 U.S.C. § 102(e) in light of a single "applied reference", namely U.S.P.A. 2003/00483802 to Tamura. In addition to the 35 U.S.C. § 102(e), the Examiner also "applied references" to additional dependent claims under 35 U.S.C. § 103(a). Applicant is unsure as to which one of the references applied under 35 U.S.C. § 102(e) and 35 U.S.C. § 103(a) are "applied references" with respect to new claim 21. Because new claim 21 is an independent claim and the only pending independent claims were previously rejected under 35 U.S.C. § 102(e), the remarks

herein are limited to the references applied to the other pending independent claims under 35 U.S.C. § 102(e).

New independent claim 21 is believed to stand rejected under 35 U.S.C. § 102(e) as being anticipated by the Tamura application. In order to properly reject independent claim 21, the Tamura application must disclose providing provisioning instructions to STBs according to different instructional requirements of first and second vendors identified to be associated with the requesting STBs. The Tamura application fails to provide the required teachings.

The Tamura application relates to a system of self-provisioning television settop boxes (STBs).<sup>1</sup> When a user obtains a new STB in which it is configured the STB to operate with his or her local cable television system, the Tamura patent utilizes a self-provisioning process that allows STBs to be provisioned through signals communicated over the television system.<sup>2</sup> Although the Tamura patent may relate to provisioning STBs, the disclosure of the Tamura patent is limited in that it is only directed toward recent changes in regulations that require STB devices to operate on multiple cable systems. The goal is to allow users to purchase an STB from a retail outlet and connect it directly to any of a several cable systems without the need for a service call or special order or a visit to a cable company.<sup>3</sup> No portion of the Tamura patent identifies or recognizes the need to provision a settop box provided by different vendors.

Because the Tamura patent fails to identify or recognize the need to provision an STB provided by different vendors, the Tamura patent fails to provide the necessary teachings required to properly reject independent claim 21 under 35 U.S.C. § 102(e). As such, new independent claim 21 and the claims that depend therefrom are patentable and nonobvious over the Tamura patent.

---

<sup>1</sup>See Abstract

<sup>2</sup>See paragraph 25

<sup>3</sup>See paragraph 2

Applicant respectfully submits that the supplemental remarks provided above fully address and traverse the rejections set forth in the previous Office Action and that the case is in condition to pass to issue. The Examiner is respectfully requested to consider the supplemental remarks and to pass the case to issue.

Please charge any fees or credit any overpayments as a result of the filing of this paper to our Deposit Account No. 02-3978.

Respectfully submitted,

**Richard Woundy**

By /John R. Buser/  
John R. Buser  
Reg. No. 51,517  
Attorney/Agent for Applicant

Date: 10/29/2008

**BROOKS KUSHMAN P.C.**  
1000 Town Center, 22nd Floor  
Southfield, MI 48075-1238  
Phone: 248-358-4400  
Fax: 248-358-3351